

Howrey Docket No. 05693.0004.NPUS00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Darrel Drinan et al.

Serial No. 10/068,170

Filed: February 4, 2002

For: **AGENT DELIVERY AND
ASPIRATION DEVICE**

Group Art: 3761

Examiner: Mark A. Rademacher

Second Petition To Reset the Period for Reply to the Office Action

Technology Center Director 3700
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: Examiner Mark Rademacher

Dear Examiner Rademacher:

Under MPEP § 710.06, Applicant hereby Petitions to Reset the Period for Reply to the Office Action, dated February 12, 2003. A Response to the Office Action was submitted on April 9, 2003 in conjunction with the first Petition to Reset the Period for Reply. Applicant hereby requests that this Second Petition and attached exhibit be entered into consideration.

On March 31, 2003, our office received the referenced office action requiring an election to a restriction requirement by March 12, 2003 (Exhibit A). Our office routinely stamps all incoming documents, as seen on the cover sheet of the Office Action. As the stamp indicates, the referenced office action was received substantially after the reply period of March 12, 2003 had

CERTIFICATE OF TRANSMISSION
(37 C.F.R. §1.6(d))

I hereby certify that this paper (along with any referred to as being attached hereto) is being transmitted via facsimile number (703) 746-6396 on the date shown below to Technology Center 3700, P.O. Box 1450, Alexandria, VA 22313-1450, Attention: Examiner Mark Rademacher, Art Unit 3761.

April 30, 2003
Date of Transmission

Robin L. Clow
Name of Person Transmitting Paper

B. Clow
Signature of Person Transmitting Paper

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elapsed. Applicant has also fulfilled the requirements under MPEP § 710.06 by filing a timely petition on April 9, 2003, within two weeks of receiving the delayed office action. In consideration of the foregoing remarks, Applicant believes that the Office Action should be reset to March 31, 2003, the date of receipt of the correspondence.

Applicant believes that no fee is due with this Petition. Resetting of the Office Action Response to March 31, 2003 is respectfully requested.

Respectfully submitted,

HOWREY SIMON ARNOLD & WHITE, LLP

Date: April 30, 2003


Lorelei P. Westin, Reg. No. 52,353

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,170	02/04/2002	Darrel Drinan	05693.0004.NPUS00	8076

27194 7590 02/12/2003

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MAR 31 2003

Howrey - SV

EXAMINER

RADEMACHER, MARK A

ART UNIT PAPER NUMBER

3761

DATE MAILED: 02/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Docket Department

File _____

Action Resp to Reex Req Due

Due Date 02-12-03

W/Ext's 05-12-03

Initials 1-2-03

4/01/03



2020 MAIN STREET
SUITE 1000
IRVINE, CA 92614-8200
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FACSIMILE COVER SHEET

DATE: April 30, 2003

TO: **NAME:** Examiner Mark A. Rademacher, Art Unit 3761

COMPANY: U.S. Patent and Trademark Office

FAX NUMBER: 703-746-6396 **PHONE NUMBER:** _____

CITY: Alexandria, VA

FROM: **NAME:** Lorelei P. Westin

DIRECT DIAL NUMBER: 949-759-5205 **USER ID:** 4043

NUMBER OF PAGES, INCLUDING COVER: 4 **CHARGE NUMBER:** 05693.0004.NPUS00

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☐ **REGULAR MAIL** ☐ **OVERNIGHT DELIVERY** ☐ **HAND DELIVERY** ☐ **OTHER:** _____

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SUPPLEMENTAL MESSAGE:

Application Number: 10/068,170

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